



# **Missouri Department of Natural Resources**

## **Clean Water Commission Water Protection Program**

### **Agenda**

**May 3, 2006**

Missouri Clean Water Commission  
P.O. Box 176, Jefferson City, Missouri 65102

**Notice of Open Meeting**  
**Missouri Clean Water Commission**

Persons with disabilities requiring special services or accommodations to attend the meeting can make arrangements by calling the Commission secretary at (573) 751-6721, the division's toll-free number at 1-800-361-4827, or by writing two weeks in advance of the meeting to: Department of Natural Resources, Clean Water Commission Secretary, P.O. Box 176, Jefferson City, MO 65102. Hearing impaired persons may contact the program through Relay Missouri at 1-800-735-2966.

**AGENDA**

**MISSOURI CLEAN WATER COMMISSION MEETING**

**Inn at Grand Glaize**  
**5142 Highway 54**  
**Osage Beach, Missouri 65065**  
**1-800-348-4731**  
**May 3, 2006**  
**Convene 9:00 a.m.**

General Session (Open)

- Call to Order/Introductions

<b>Administrative Matters</b>
-------------------------------

1. Approval of March 1, 2006 Clean Water Commission Minutes

**Recommended Action:** The Commission to vote and approve minutes.

2. Update on Black River Restoration below Taum Sauk Reservoir – Department staff will update the Commission on the water quality related to Taum Sauk Reservoir.  
Kurt Schaefer, DNR Deputy Director and General Counsel  
Randy Crawford, Environmental Services Program

**Recommended Action:** Information only.

3. State Revolving Loan Fund Intended Use Plan  
Doug Garrett, Financial Assistance Center

**Recommended Action:** The Commission to vote on and approve revised 2007 State Revolving Loan Fund Intended Use Plan.

4. Proposed Emergency Rule on 303(d) Listing Methodology  
Phil Schroeder, Water Quality Monitoring and Assessment

**Recommended Action:** The Commission directs the department staff to file an emergency rule removing the last sentence of subsection 10 CSR 20-7.050(4)(A) that states "*The detailed methodology referenced in this paragraph shall be promulgated by the Commission through rulemaking procedures in the manner specified in Chapter 536, RSMo*" and replaces subsection (B) with a reference to subsection 644.036.5 RSMo. The Commission further directs staff to proceed with the 2004-2006 303(d) listing as shown in the attached schedule (NOTE: The schedule does not include any changes that might occur as a result of Senate Bill 1242) and to later propose in September a regular rulemaking to finalize the changes in the Code of State Regulations.

5. Whole Body Contact Recreation Designation for Sweet Spring Creek,  
Randolph County  
Phil Schroeder, Water Quality Monitoring and Assessment

**Recommended Action:** The program recommends including this change in the next water quality rulemaking and using the variance process to suspend the whole body contact designation for Sweet Spring Creek until the conclusion of the rulemaking.

6. Dismissal of Baker Tract appeal.

**Recommended Action:** Adopt recommended decision dismissing appeal.

7. Missouri Department of Transportation Wetlands Mitigation Bank Agreement  
Joe Engeln, Office of the Director, Department of Natural Resources

**Recommended Action:** Information only.

8. Missouri Association Councils of Government (MACOG) – Onsite Proposal  
Carrie Schulte, Financial Assistance Center  
Steve Etcher, Executive Director, Boonslick Regional Planning Commission

**Recommended Action:** Information only.

<b>Variances</b>
------------------

9. Festus/Crystal City – Variance Request  
Richard Laux, Permits and Engineering

**Recommended Action:** (If EPA indicates that the Commission can independently approve this request) I move that the Commission accept the staff recommendation and grant the variance with the recommended conditions.

10. Knox County Baring Area – Variance Request  
Richard Laux, Permits and Engineering

**Recommended Action:** Staff is recommending approval of the request with the inclusion in the operating permit of in-stream monitoring and a “reopener clause” should the lagoon not adequately protect water quality.

11. Southwest City – Variance Request  
Richard Laux, Permits and Engineering

**Recommended Action:** The staff is recommending approval of the request.

12. Bosworth – Variance Request  
Richard Laux, Permits and Engineering

**Recommended Action:** Staff is recommending the Commission deny the request due to the proposed lagoon not being capable of achieving the ammonia limitations in the WQRS. Staff has calculated new ammonia limitations based on the recent changes in the water quality standards. In this case the newly calculated ammonia limitations are actually somewhat lower than those contained in the original WQRS.

13. Tyson Foods, Inc. – Variance Request  
Richard Laux, Permits and Engineering

**Recommended Action:** Staff is recommending the Commission grant approval of the request with several conditions.

## Enforcement

14. City of Osage Beach – Referral to the Attorney General’s Office  
Kevin Mohammadi, Compliance and Enforcement

**Recommended Action:** The Commission to vote to refer the matter to the Attorney General’s Office.

## Staff Updates

15. Water Quality Standards –EPA Action Update.  
Phil Schroeder, Water Quality Monitoring and Assessment

**Recommended Action:** Information only.

16. Permit Backlog and WQRS Update  
Refaat Mefrakis, Permits and Engineering Section

**Recommended Action:** Information only.

17. City of Sullivan Update  
Leland Neher, Financial Assistance Center

**Recommended Action:** Information only.

18. St. Johns Bayou/New Madrid Floodway  
Edward Galbraith, Director, Water Protection Program

**Recommended Action:** Information only.

19. Lake Breeze Subdivision  
Kevin Mohammadi, Compliance and Enforcement

**Recommended Action:** Status Report.

20. State Revolving Fund Update  
Doug Garrett, Financial Assistance Center

**Recommended Action:** Information only.

Standing Items
----------------

- Legal Report – Standing Item  
Bill Bryan, Attorney General’s Office
- Director’s Update/Budget and Legislative Discussion – Standing Item  
Edward Galbraith, Director, Water Protection Program

**Recommended Action:** Information only.

## Presentation

- Public Comment and Correspondence - This standing item provides an opportunity for comments on any issue pertinent to the Commission's role and responsibilities. The Commission encourages any and all interested persons to express their comments and concerns.  
General Public

**Recommended Action:** Information only.

- Future Meetings: June 7, 2006 Conference Call Meeting. July 5, 2006, location to be announced.

**Recommended Action:** Commission to consider location for July 5, 2006 meeting.

Closed Meeting - The Clean Water Commission may go into closed session at this meeting if such action is approved by a majority vote of the Commission members who constitute a quorum, to discuss legal, confidential or privileged matters under Section 610.021(1), RSMo (Supp. 1995); personnel actions under Section 610.021(3), RSMo (Supp. 1995); personnel records or applications under Section 610.021(13), RSMo (Supp. 1995) or records under Section 610.021(14), RSMo (Supp. 1995) which are otherwise protected from disclosure by law.

**Target Adjournment: 3:00 p.m.**

**For more information contact:**

Ms. Malinda Overhoff, Commission Secretary, Missouri Clean Water Commission  
Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102  
Phone (573) 751-6721  
Fax: (573) 526-1146 Email: malinda.overhoff@dnr.mo.gov